



Priority Docket: VASC 1020-2 US

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 30 July 2003.

Signed:

Paula Faulk Hurley
Paula Faulk Hurley

AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3738

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Inventor: Bruce J Barclay, et al. SC/Serial No.: 09/910,703 Confirm. No.: 2083 Filed: 20 July 2001 Title: Biologically Active Agent Delivery Apparatus and Method	Group Art Unit: 3738 Examiner: Pellegrino, Brian B. Customer No. 22470
---	--

AMENDMENT AFTER FINAL

UNDER 37 CFR § 1.116 -- EXPEDITED PROCEDURE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

AUG 08 2003

TECHNOLOGY CENTER R3700

Dear Sir:

In response to the Final Office Action mailed 25 June 2003, please amend this application as follows.

A section entitled **Preliminary Matter** begins on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper. This listing of the claims will replace all prior versions, and listings, of the claims in this application.

REMARKS begin on page 8 of this paper.

An **APPENDIX**, including Exhibits A-F and a copy of a Supplemental Amendment filed by facsimile on 22 May 2003, is attached following page 18 of this paper.

Preliminary Matter

This Final Office Action was stated to be responsive to a communication filed on 17 April 2003. However, a Supplemental Amendment, copy attached, was filed by facsimile on 22 May 2003 in which claim 108 was added and claims 38, 54 and 74 were amended. The following amendments are made to the claims assuming that the amendments made in the Supplemental Amendment have already been entered.



AF/3738

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	63	Application Number	09/910,703
		Filing Date	20 July 2001
		First Named Inventor	Barclay
		Art Unit	3738
		Examiner Name	Brian B. Pellegrino

ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (19 pp.) <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibits A-F (33 pp.); Copy of Supplemental Amendment filed 22 May 2003 (10 pp.).	
	Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	

RECEIVED
AUG 08 2003

TECHNOLOGY CENTER R3700

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	James F. Hann,	Reg. No. 29,719
Signature		
Date	30 July 2003	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. on the date shown below.

Typed or printed	Paula Faulk Hurley	Date	30 July 2003
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.